

High Performance Sustainable Schools

March 24, 2010

KDE Finance and Legislative Update

Presenter:

Mark Ryles

Director, KDE Division of Facilities Management

“The greatest contribution, that I believe I have had the humble opportunity to facilitate, is the building of leadership capacity regarding school facilities planning and construction in Kentucky. I believe that Kentucky’s architects, engineers, school leaders, teachers, students, legislators and all that have a stake in the program, have greater capacity for excellence than ever before.

“This is accomplished by a lot of listening and strategic thinking. It requires setting high expectations and delivering a service of excellence with practical solutions. It is mostly about hard, diligent, and the right work. It starts with a belief that facilities and the physical environment affect teaching and learning. It requires an understanding of what is needed, how it is to be accomplished and when is the right time to bring about change efforts. It requires persistent and tireless effort to sustain positive change. It is about great communication in volume and quality to develop and sustain external partners and teamwork.

“It requires you to make connections and develop new technologies. It means you must recruit the most talented (and team oriented) staff and that as the leader, you create an environment for activities where risks can be taken and leadership can be provided from all levels. You must not be afraid to fail, and must perform collectively at a level of excellence with accountability. You can only do this with complete commitment and honesty.

“I believe in helping others, competing when necessary and sharing always.

I believe what I do is more important than myself. I believe that all students regardless of race, ethnicity or socio-economic status deserve a quality educational opportunity and that a school building is an educational tool that helps teachers build an education for students.

“Unfortunately in Kentucky, we have 53 percent of our students that receive free and reduced lunch, with many schools between 50 to 80 percent. In many rural areas the school represents the only place where a child can get a good meal, go to an indoor toilet, receive medical and dental care, be in a safe place, and be valued. Education is just one reason they go to school.

“It is our role to ultimately change these paradigms.”

Mark W. Ryles

School Facilities Affect Student Performance

- **National Clearinghouse for Educational Facilities**
- **Resource List**
- **Impact of facilities on student performance**
- **edfacilities.org**

HB 24

A RESOLUTION RELATING TO GREEN SCHOOLS

WHEREAS, deteriorating school infrastructure and poor indoor environmental quality threaten the health, well-being, and achievement of staff and students; and

WHEREAS, current climate and energy challenges compound the structural and resource deficiencies in many school districts of the Commonwealth; and

WHEREAS, green schools are schools that create a healthy environment that is conducive to learning while saving energy, resources, and money; and

WHEREAS, green schools create an environment that supports student learning through improvements in site selection, daylighting, indoor air quality, thermal comfort, acoustics, and classroom design, all of which have an impact on a child's ability to learn and a teacher's ability to teach; and

WHEREAS, the benefits of superior air quality, a key emphasis of green schools, have been linked to lower asthma rates, fewer allergies, reduced absenteeism, and increased teacher retention rates; and

WHEREAS, green schools consume an average of 30 to 50 percent less energy compared to conventional schools, according to the U.S. Green Buildings Council; and

HB 24

WHEREAS, green schools cost less to operate, utilize durable materials, and greatly reduce water and energy use, which generates significant financial savings; and

WHEREAS, green schools provide an educational experience that transcends the classroom by creating a host of opportunities for curriculum innovation and hands-on, project-based learning in which the building itself becomes an interactive teaching tool; and

WHEREAS, three new schools currently under construction, two in Warren County and one in Kenton County, are on track to be among the first energy net-zero K-12 schools in the nation; and

WHEREAS, there are now 30 commitments for Green Schools working groups and caucuses as a result of the Green Building Council's state legislative conference last October;

NOW, THEREFORE,

HB 24

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The House of Representatives enthusiastically endorses the creation of a Green Schools Caucus in the Kentucky General Assembly to advocate and encourage broader application of the design and construction practices for green schools, both for new construction and major renovation projects undertaken with school district funds. School districts are encouraged to consider seeking application for certification of green schools under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, or certification under a comparable system with requirements at least equivalent to the LEED Silver certification for new or retrofit construction, or other building performance certification systems, such as the U.S. Department of Energy's Energy Star program.

SB 132

**AN ACT relating to efficient design in school buildings and making an appropriation therefor.
*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

It is the intent of Sections 1 and 2 of this Act to:

- (1) Support the construction of new school buildings and the renovation of existing school buildings in a manner that will create a healthy environment for students and teachers while saving energy, resources, and operational expenses; and*
- (2) Encourage the use of a life-cycle cost, holistic approach to building design that considers school design, construction, operation, and maintenance in the initial decision-making process.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) "Life-cycle cost analysis" means to calculate and compare different building designs to identify which is the best investment over the long term. Life-cycle costs include design and construction costs, operating costs, maintenance costs, and repair and replacement costs, adjusted for the time value of money;*
- (b) "Net zero building" means a building in which the amount of energy provided by on-site renewable energy sources is equal to the amount of energy used by the building; and*
- (c) "Efficient school design" means a school building design:*
 - 1. That meets, at a minimum, the requirements of the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) for schools at the "Certified" level or certification under a comparable system with equivalent requirements or other building performance certification systems, such as the United States Department of Energy's Energy Star program; and*

the account at the close of a fiscal year shall not lapse². For which whole building life-cycle cost analysis illustrates that the design is cost-effective.

but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section. (2) The General Assembly hereby finds that schools that are constructed or renovated using efficient school design are proven effective vehicles for accomplishing some or all of the following beneficial public purposes:

Interest on moneys in the account shall accrue to the account. (a) Lower operating costs and increased asset value;

(c) (b) Reduced waste sent to landfills;

(c) (c) Conservation of energy and water;

(c) (d) Reduced storm drainage runoff;

(c) (e) Healthier, safer environments for occupants;

(c) (f) Reduced emissions of greenhouse gases; and

(c) (g) Improved student attendance and performance by:

(c) 1. Using the building as a teaching tool;

(c) 2. Using the local environment as a context for curriculum integration;

(c) 3. Providing rigorous, highly relevant, and applied learning; and

(c) 4. Improving productivity by making buildings healthier for occupants, especially through the increased use of natural light.

(c) (3) The Kentucky Department of Education and all school districts undertaking the construction of new school buildings or the major renovation of existing school buildings are strongly encouraged to:

(c) (a) Meet or exceed efficient school design standards in planning and designing all new buildings and major renovation projects;

(c) (b) Use life-cycle cost analysis to evaluate different design proposals; and

(c) (c) Consider the possibility that each new school building or major renovation of a building could be a net zero building, either during the construction or renovation, or at a later date as resources become available.

(c) (4) (a) The Kentucky efficient school design trust fund is hereby created as a restricted account to be administered by the Department of Education.

(c) (b) The account may receive contributions, gifts, donations, appropriations, and any other moneys made available for the account. Notwithstanding KRS 45.229, any moneys remaining in the account at the close of a fiscal year shall not lapse, but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section. Interest on moneys in the account shall accrue to the account.

(c) (c) Moneys in the account shall be used to offset the initial additional cost, if any, associated with the construction or renovation of school buildings using efficient school design.

(c) (d) The Kentucky Board of Education shall promulgate administrative regulations pursuant to KRS Chapter 13A to prescribe how a local school district may qualify for and use funds from the account created by this subsection.

(c) (5) The Department of Education shall develop and adopt guidelines for efficient school design, net zero buildings, and life-cycle cost analysis, including the identification of appropriate computer-based simulation programs for use in undertaking life-cycle cost analysis.

(5) The Department of Education

(6) The Department of Education, Department for Energy Development and Independence, and the Kentucky Energy Efficiency Program for Schools shall assist school districts in:

- (a) Developing methods for measuring ongoing operating savings resulting from the use of efficient school design;
- (b) Identifying sources for training for school staff and students to ensure that efficient school design features and components are fully utilized; and
- (c) Identifying ways that efficient school design and its energy-saving components can be integrated into the school curriculum.

(7) The Department of Education, Department for Energy Development and Independence, and the Kentucky Energy Efficiency Program for Schools shall, by November 1, 2010, and each year thereafter, for the fiscal year ending on June 30 of that year, prepare a report that shall be submitted to the Legislative Research Commission and the Governor. The report shall address new school buildings or building renovations and shall include but not be limited to the following:

- (a) An assessment of the implementation of efficient school design within Kentucky's education system;
- (b) Documented energy savings from any buildings built using efficient school design or net zero school buildings in operation;
- (c) A list of the new or renovated school buildings completed or identified for future construction during the prior year using efficient school design, including the name of the school district, name of the school, total project cost, additional cost or savings, if any, associated with efficient school design features, and efficient school design features included in the project;
- (d) A list of all school buildings that operate as a net zero building, and school buildings which school districts plan to convert to net zero. The list shall include the name of the school district, the name of the school, the total cost associated with the school building becoming a net zero building, and the components that will be installed to make the building a net zero building;
- (e) Any recommendations relating to efficient school design; and
- (f) A list of new school buildings completed during the prior year without using efficient school design and an explanation of why efficient school design was not used.

The House of Representatives of the Commonwealth of Kentucky unanimously passed House Resolution 24, to support both green schools and the Green Schools Caucus Initiative in the Commonwealth of Kentucky.

The Resolution endorses the creation of Green Schools Caucus of the Kentucky General Assembly....

“Advocating for and encouraging school districts – with new construction or major renovation projects undertaken with school district funds – to consider seeking application for certification of green schools either under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) rating system, certification under a comparable system with requirements equivalent to the LEED Silver certification for new or retrofit construction, or under other building performance certification systems, such as the U.S. Department of Energy’s Energy Star program, the green school initiative serves to both broaden and support the application of the design and construction practices of green schools and ultimately, to enhance the environment where children learn, teachers teach, and everyone benefits while saving energy, resources and money....”

Bill Review Summary – Legislative Session 2010

Division of Facilities Management, Kentucky Department of Education

HB 110	AN ACT relating to professional engineers and land surveyors.	Monday, March 22, 2010 – to Licensing, Occupations & Administrative Regulations (S)
HB 482	AN ACT relating to the Facilities Support Program of Kentucky. <i>Summary: Amend KRS 157.621 to delete the June 30, 2025, sunset date for equalization funds; permit equalization funds to be available to a local school district until the bonds supported by the equalization funding are retired.</i>	Monday, March 22, 2010 to Education (S) In Senate
SB 28	AN ACT relating to career and technical education, making an appropriation therefore, and declaring an emergency. <i>Summary: Amend KRS 158.814 to require that the Kentucky Department of Education and the Office of Career and Technical Education to determine the statewide unmet needs for career and technical education capital projects;</i>	Friday, March 19, 2010 – to Education (H)
SB 114	AN ACT relating to school facilities. <i>Summary: Create a new section of KRS Chapter 162, notwithstanding any other statute or administrative regulation to the contrary, to permit any nonprofit finance corporation formed under KRS 162.385 to lease land from any government entity or agency for the purposes of constructing a school building site; the lease shall be for 1 year but may be extended from year to year for a minimum of 50 years.</i>	Thursday, March 18, 2010 – posted in committee In House

SB 125	AN ACT relating to school facilities. <i>Summary: Amend KRS 157.420 to prohibit the Department of Education from modifying the designation or classification of a school facility while the facility is being remodeled or renovated.</i> .	Friday, March 19, 2010 – posted in committee. In House
SB 132	AN ACT relating to efficient design in school buildings and making an appropriation therefor. <i>Summary: Create new sections of KRS Chapter 157 to support and encourage the construction and renovation of school buildings using efficient design concepts; establish a Kentucky efficient school design trust fund; require the Department of Education to develop and publish guidelines for efficient school design; require the Department of Education to provide annual reports.</i>	Thursday, March 18, 2010 – posted in committee. In House
SB 176	AN ACT relating to reverse auctions in government purchasing. <i>Summary:amend KRS 160.290 to allow the use of reverse auctions in local boards of education procurement procedures;</i>	Posted for passage in the Consent Orders of the Day for Tuesday, March 23, 3010 In House
HB 534	AN ACT relating to school construction and making an appropriation therefor. <i>Summary: Amend KRS 157.620 to require the Board of Education to promulgate regulations to establish criteria by which the physical condition of all local school district education facilities are to be categorized, require list by category to be submitted to the School Facilities Construction Commission and Legislative Research Commission....</i>	Friday, February 26, 2010 – to Education (H) In House
HB 593	AN ACT relating to prevailing wage. <i>Summary: Amend KRS 337.010 to raise the threshold exemption for public works projects from \$250,000 to \$1,000,000 when requiring payment of prevailing wages and exempt all construction projects in elementary, secondary, and post-secondary buildings and facilities from the prevailing wage requirements.</i>	Thursday, March 04, 2010, to Labor & Industry (H) In House

HB 466	AN ACT relating to preference for Kentucky business. <i>Summary: Create new sections of KRS Chapter 45A to require preference for Kentucky contractors and vendors on state contracts for construction and non- professional services and commodities...</i>	Tuesday, March 02,2010 – recommitted to State Government (H) In House
HB 63	AN ACT relating to public school academies	Tuesday, January 05, 2010 – to Education (H) In House
HB 21	AN ACT relating to charter schools	Tuesday January 05, 2010 – to Education (H) In House
HB 583	AN ACT relating to charter schools	Thursday, March 04, 2010 to Education (H) In House
HB 317	AN ACT relating to retainage in construction contracts	Withdrawn in House
HR 24	A RESOLUTION relating to Green Schools <i>Summary: Endorse the creation of a General Assembly Green Schools Caucus in support of efforts to build more energy-efficient, water-efficient, and environmentally sustainable K-12 schools.</i>	3 rd reading, adopted 97 In House

**For more information contact:
Mark Ryles, Director**

Construction Branch: Greg Dunbar- David Bryant - Gary Leist

Planning Branch: Tim Lucas - Rodney Bennett

Supporting Staff: Kimberly Grote - Eileen Hardy

**KDE Division of Facilities Management
(502) 564-4326**

Web Site: www.education.ky.gov

***Administrative Resources**

***Facilities**